\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 93-469-A Thomas X. Dinisio, Jr., et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Thomas X. and Colleen M. Dinisio. The Petitioners request relief from Section 427.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence 6 feet in height to abut the front yard of the adjoining property in lieu of the permitted 42-inch height, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of July, 1993 that the Petition for Administrative Variance from Section 427.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence 6 feet in height to abut the front yard of the adjoining property in lieu of the permitted 42-inch height, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) The proposed fence shall be constructed in accordance with the specifications submitted by the Development Plan Review division of the Department of Public Works under cover letter dated July 19, 1993.

> 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of

> > Zoning Commissioner for Baltimore County

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

July 29, 1993

**Baltimore County Government** Zoning Commissioner

Office of Planning and Zoning

(410) 887-4386

Mr. & Mrs. Thomas X. Dinisio, Jr. 8 Taos Circle Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE SE/S Taos Circle, 355' S of the c/l of Pawnee Road (8 Taos Circle) 15th Election District - 5th Councilmanic District Thomas X. Dinisio, Jr., et ux - Petitioners Case No. 93-469-A

Dear Mr. & Mrs. Dinisio:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

File

cc: People's Counsel

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_day of \_\_\_\_\_\_\_\_19\_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation. Throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8 TAOS CINCLE

That based upon personal knowledge, the following are the facts upon which live base the request for an Administrative Variance at the above address: (indicate hardshoot practical difficulty) | ) Swimming Pend will not be fenced in from Poblic access the 3 of pool which is side 3 of Property will not be accessable for maintenance and for repair if fence is 5 from Property Line. (Note: Sides of from perty are marked on plat.) 3. Due to easements on side 2 x3, and location of townhomes behind my home, yard space for pool is almost non-existent Easement behind house has no practical Use for walkway ove to trees and storm drain which rises approx. 18" above ground level.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to/pay a reposting and advertising fee and (signature)

(signature)

(type or print name)

(type or print name)

(type or print name)

I HEREBY CERTIFY, this 99 day of 0 day of of Maryland, in and for the County aforesaid, personally appeared \_, 19<u>93</u>, before me, a Notary Public of the State THOMAS DINISIO TR AND COUREN M- DINISIO

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal.

6/59/93 My Commission Expires: February 1, 1994 **EXAMPLE 3 - Zoning Description** 

LES:bjs

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR	TAOS CIRCLE	
Election District 15#	(address) 5	

Beginning at a point on the SOUTH EAST side of TAOS (north, south, east or west) (street on which property fronts) which is (number of feet of right-of way width) wide at a distance of 355.00 SOUTH of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street PAWNEE ROAD Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of

Book # EHK OR NO 54 , Folio # 26

(square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio \_\_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

93-469-1 7/9/02

net	Vorionics	Date of Posting
ed for:	Variance	
ioner:	Thomas +	Collen Pinisio
tion of	property: \$ 790	s arch, SES3551 s/ Powner RO
	,	
tion of	Signe Facing	roadway on property of Petitioners
	* *************************************	

Zoning Administration & Development Management
111 West Chesapoake Avenue
Towson, Maryland 21204

Date 6/29/93 THOMAS X, DINISIO JR,

#8 TAOS CIRCLE # 5000 #180 916NS --- \$3500 TOTAL - \$8500

od i e

TAKEN IN-RITI

Account: R-001-6150

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 8 TAOS CINCIL

which is presently zoned This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Sec. 427. A To permit a fence 6' height which abuts the front yard of the adjoining property in lieu of the required

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons; (indicate hardship or practical difficulty) 1. Swimming pool will not be fenced in from public access. 2. Side 3 of pool which is side 3 of property will not be accessable for maintenance and/or repair if fence is 5' from property line. (Note: Sides of property are marked on plat.) 3. Due to easements on side 2 and 3, and location of townhomes behind my home, yard space for pool is almost non-existing. Easement behind house has no practical use for walkway due to trees and storriberaly zoning hedulanons prox. 18 above ground level. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

City	State	Zipcode
Address	Phone	No.
Signature		<u> </u>
(Type or Print Name)		
Attorney for Petitioner:		
City	State	Zipcode
Address		
Signature		
(Type or Print Name)		
Contract Purchaser/Lessee:		

ITEM #: 474

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 19, 1993

Mr. and Mrs. Thomas X. Dinisio, Jr. 8 Taos Circle Baltimore, MD 21220

RE: Case No. 93-469-A, Item No. 474 Petitioner: Thomas X. Dinisio, Jr., et ux Petition for Administrative Variance

Dear Mr. and Mrs. Dinisio:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 29, 1993, and a hearing was scheduled accordingly.

1) The Director of Zoning Administration and Development

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 19, 1993 Zoning Administration and Development Management FROM Robert W. Bowling, P.E., Senior Engineer Development Plan Review

RE: Zoning Advisory Committee Meeting for July 19, 1993 Item No. 474

The Development Plan Review Division has reviewed the subject soning item. We recommend the fence be constructed as shown on the attached specifications.

RWB:s Attachment

. . . .

My telephone number is \_ Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

Re: BALTO, CC.
Item No.: \* 474 (RT)

Dear Ms. Kehring:

Ms. Helene Kehring

Zoning Administration and

Development Management

111 W. Chesapeake Avenue Towson, Maryland 21204

County Office Building

Room 109

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief **Engineering Access Permits** 

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(410) 887-3353

JULY 9, 1993

Towson, MD 21204

111 West Chesapeake Avenue

NOTICE OF CASE NUMBER ASSIGNMENT

Baltimore County Government

Office of Zoning Administration and Development Management

Thomas and Colleen Dinisio Baltimore, Maryland 21220

CASE NUMBER: 93-469-A (Item 474) SE/S Taos Circle, 355' S of c/l Pawnee Road 15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 11, 1993. The closing date (July 26, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: July 16, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 1, 3, 7, 470, 473, 474, 475 and 476.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Division Chief: Cam ( lews

PK/JL:lw

001.ZAC/ZAC1

ZADM

We are writing this letter in reference to case #93-469-A as recommended by Mr. Carl Richards. Approximately 1 year ago, we went to apply for a permit for a fence and pool at the Essex office. We were advised at that time that we would have to apply for a variance because they would have extended beyond the front of the townhomes behind our house. A couple of days later we went to Towson to room 109 to ascertain information about starting the process for obtaining our variance. We went room to room to gather various documents needed to apply. We were then informed that we would need to make an appt. with the zoning office once we filled out the papers we were given to take home and fill out. Upon completion of that, we made an appointment and returned to the Towson office where we met with Mr. Reg Tanguilig. He took us in a cubicle and reviewed our paperwork for our variance. While in there, as our documents show, we advised him of the proposed location of the fence and pool. We also at that time produced pictures that showed our need for the variance. Mr. Tanguilig assisted us in filling out the paperwork and also advised us of what should be written on one form that needed to be filled out. We went home and typed in the rest of the application that had to be finished and returned it the next day, at which time we paid all the fees involved. Eventually, the sign was posted on our property and left there the alloted time. Some time later, we received a letter stating that our variances were granted.

As this was now the beginning of August, we called to see if there was a time limit on the variance as we felt it was too late in the summer to start this project. We were informed by Mr. John Alexander that there was no time limit on the variances but we should wait 30 days before applying for the permit to make sure a late complaint wasn't received in that span.

To Whom It May Concern:

The swimming pool owned by Tom Dinisio, located at 8 Taos Circle, does not in any way bother me. My home is located directly behind the pool . my address is 10 Taus Circle. If there is anything else I cando please do not hesitate to call. (410) 574-9741

Sincerely, Timberly a Weaver

Carl Bichasel.

have no objections to the

Dinusio's at 8 Taos Circle Jutting

Monica - auffman 2 7.000 Circle Balto Md. 21220

DATE: July 9, 1993

BALTIMORE COUNTY, MARYLAND

ZADM INTER-OFFICE CORRESPONDENCE

TO: Zaning Advisory Committee

FROM: <u>Jerry L. Pfeifer, Captain</u>
Fire Department

SUBJECT: July 19, 1993 Meeting

- No comments No comments

- Building shall be built in compliance with the 1991 Life Safety Code.

No comments

A fire hydrant is required at the entrance to

- Building shall be built in compliance with the 1991 Life Safety Code.

No comments

JLP/dal cc: File

7-19-94

\$\$7.739/

Joly 20,1994

Jo When Hirry Concurry:
Rigarding the Construction

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Concruning this hunter the hours

15 700 Crack \_\_ Packs ms 21220. 410-574-9407. July 20 1994

To whom it may concern:

He poole at 8 Lars Cir

Louis Willey. 3 Dans liv.

July 20, 1994

To Whom It May Creen,

We the residents of 9 Taos Circle and the neighbors to the residents of 8 Taos Circle have no objections to the location of the swimming pool at that same residence.

guestions, please feet free to carl us at (410) 574-6312.

Sincerely,

Robert & Whiasa Bearet

Partimore County Permits Dept

21 July 94

July 21 1994

To Whom It May Concern:

Baltimore Maryland 21220.

Our names are Ken and Sheila

Gordon and we reside at 11 Taos

Our neighbors are tomand Colleen

Dinizio who reside at 8 Taos Circle

The Dinisio's have put up a pool

Thank you,

No look

Phella Gordon

Circle, Baltimore Maryland 21230

In their Fenced back yard this

pool and the people inside same

heither bother now distorb us.

To Whom it lay Concern;

Neither my husband swe I have any objection to a swimming pool at 8 tass Circle. On fact we are hoping to be invited to swim in it at least once this summer. The ! Collein are good neighbors. Please Contact us if we can be of further assistance.

Sincerely Jaicie = Ted Persin 4 Taos Cricle 687-3123

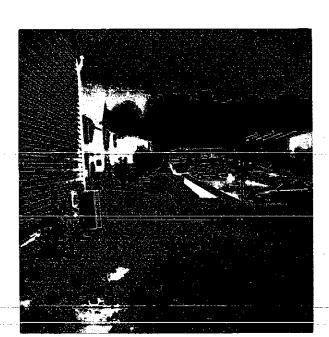
C. Dinisio 8 Tars Circle Balto, Md. 21220

> Arnold Lablon Director Z.A.D.M. 111 W. Chesapeake ave. Towner, Md.

> > 21204

Non 2

LEFT ELEV. CLOOKING OUT)



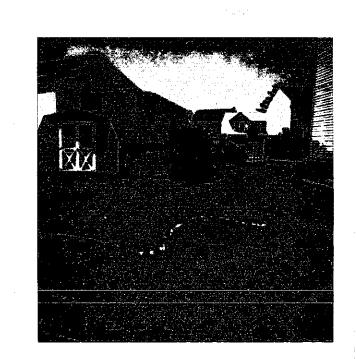
SIDE B

RIGHT ELEV.

SIDE 4 (UTILITY EXCENT)

ITEM# 474 CHSE # 93-469-A

REAR ELEV.



1 TEM # 474

93-469-A

